

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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United States of America,

Case No. 2:24-cr-00258-JAD-DJA

Plaintiff,

## Order

V.

Kimberly Stamps,

Defendant.

## Order

The Court has entered the parties' stipulated protective order (ECF No. 16). However, in that order, the parties fail to state the governing standard for filing documents under seal with the Court. This order reminds counsel that there is a presumption of public access to judicial files and records. The Court thus enters this order to remind the parties of the following and to set out a method for moving to seal documents that another party has marked confidential:

- A party seeking to file a confidential document under seal must file a motion to seal and must comply with the Ninth Circuit’s directives in *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006) and *Center for Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016).
- The Court has adopted electronic filing procedures. Attorneys must file documents under seal using the Court’s electronic filing procedures. *See* Local Rule IA 10-5. Papers filed with the Court under seal must be accompanied with a concurrently-filed motion for leave to file those documents under seal. *See* Local Rule IA 10-5(a).
- The Court has approved the parties’ protective order to facilitate discovery exchanges, but there has been no showing, and the Court has not found, that any specific documents are secret or confidential. The parties have not provided specific facts supported by declarations or concrete examples to establish that a

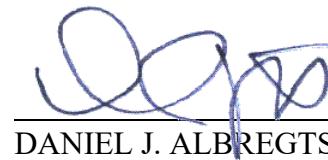
1 protective order is required to protect any specific trade secret or other confidential  
2 information pursuant to Rule 26(c) or that disclosure would cause an identifiable  
3 and significant harm.

- 4 • All motions to seal shall address the standard articulated in *Ctr. for Auto Safety*  
5 and explain why that standard has been met. 809 F.3d at 1097.
- 6 • Specifically, a party seeking to seal judicial records bears the burden of meeting  
7 the “compelling reasons” standard, as previously articulated in *Kamakana*. 447  
8 F.3d 1172. Under the compelling reasons standard, “a court may seal records only  
9 when it finds ‘a compelling reason and articulate[s] the factual basis for its ruling,  
10 without relying on hypothesis or conjecture.’” *Ctr. for Auto Safety*, 809 F.3d at  
11 1097. (quoting *Kamakana*, 447 F.3d at 1179). “The court must then  
12 ‘conscientiously balance[ ] the competing interests of the public and the party who  
13 seeks to keep certain judicial records secret.’” *Ctr. for Auto Safety*, 809 F.3d at  
14 1097.
- 15 • There is an exception to the compelling reasons standard where a party may satisfy  
16 the less exacting “good cause” standard for sealed materials attached to a  
17 discovery motion unrelated to the merits of the case. *Id.* “The good cause  
18 language comes from Rule 26(c)(1), which governs the issuance of protective  
19 orders in the discovery process: ‘The court may, for good cause, issue an order to  
20 protect a party or person from annoyance, embarrassment, oppression, or undue  
21 burden or expense.’” *Id.* (citing Fed.R.Civ.P. 26(c)). “For good cause to exist, the  
22 party seeking protection bears the burden of showing specific prejudice or harm  
23 will result if no protective order is granted.” *Phillips v. General Motors*, 307 F.3d  
24 1206, 1210-11 (9th Cir. 2002).
- 25 • The labels of “dispositive” and “nondispositive” will not be the determinative  
26 factor for deciding which test to apply because the focal consideration is “whether  
27 the motion is more than tangentially related to the merits of a case.” *Ctr. for Auto*  
28 *Safety*, 809 F.3d at 1101.

1           • The fact that the Court has entered the instant stipulated protective order and that a  
2 party has designated a document as confidential pursuant to that protective order  
3 does not, standing alone, establish sufficient grounds to seal a filed document. *See*  
4 *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1133 (9th Cir. 2003); *see*  
5 *also Beckman Indus., Inc. v. Int'l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992). If  
6 the sole ground for a motion to seal is that the opposing party (or non-party) has  
7 designated a document as confidential, the designator shall file (within seven days  
8 of the filing of the motion to seal) either (1) a declaration establishing sufficient  
9 justification for sealing each document at issue or (2) a notice of withdrawal of the  
10 designation(s) and consent to unsealing. If neither filing is made, the Court may  
11 order the document(s) unsealed without further notice.  
12           • To the extent any aspect of the parties' stipulated protective order may conflict  
13 with this order or Local Rule IA 10-5, that aspect of the stipulated protective order  
14 is hereby superseded with this order.

15 IT IS SO ORDERED.

16 DATED: January 8, 2025



17  
18 DANIEL J. ALBREGTS  
19 UNITED STATES MAGISTRATE JUDGE  
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